

Remarks

In the Office Action mailed on January 14, 2003, the Examiner rejected claims 1-4 and 7-10 under 35 U.S.C. §102(e) as being anticipated by Inoue et al., U.S. Patent No. 6,214,695 (“Inoue”), and rejected claims 5-6 and 11-15 under 35 U.S.C. §103(a) as being unpatentable over Inoue as applied to claims 1-4 and 7-10, and further in view of Huang et al., U.S. Patent No. 6,191,000 (“Huang”).

In response to the Examiner’s rejection of claims 1-4 and 7-10 under 35 U.S.C. §102(e), Applicants respectfully submit that the rejection should be withdrawn because no single reference is cited as showing every limitation of rejected independent claims 1 and 7. While asserting that Inoue discloses all of the method steps recited in claims 1 and 7, the Examiner also references Hau et al., U.S. Patent No. 6,475,875 (“Hau”), stating:

“Applicant’s attention is directed to Hau et al. (6,475,875) fig.3, el. 7, col. 3, ln. 49-57, which teaches that the physical separation is an inherent property of the structure described.”

As all the limitations of a claim must be disclosed in a single reference for an anticipation to occur, and as two references are being combined in the Examiner’s rejection under 35 U.S.C. §102(e), Applicants respectfully submits that the rejection of claims under 1-4 and 7-10 under 35 U.S.C. §102(e) should be withdrawn.

In response to the Examiner’s rejection of claims 5-6 and 11-15 under 35 U.S.C. §103(a), Applicants respectfully submit that claim 14 is unobvious in view of any combination of the cited references because each of the references teaches against elements of the present invention.

Each of the cited references (Inoue, Huang and Hau) teach the use of a CMP process during fabrication of the semiconductor devices described therein. However, the purpose of the present invention is to prevent scratches and surface defects resulting from CMP processes, and to prevent dishing due to polishing non-uniformity. Thus, the present invention utilizes an etching process in place of CMP processes. The use of a CMP process teaches against elements of the present invention because it produces negative effects the method of present invention is

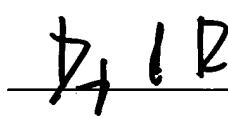
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intended to avoid. In view of this, Applicants respectfully submit that claim 14 is unobvious in view of any combination of the cited references.

For the reasons stated above, the Applicants respectfully submit that independent claims 1, 7 and 14 are both novel and unobvious in view of the cited references. As claim 1 is believed to be patentable, it is submitted that claims 2-6 are also patentable as they depend from claim 1. Also, as claim 7 is believed to be patentable, it is submitted that claims 8-13 are also patentable as they depend from claim 7. Finally, as claim 14 is believed to be patentable, it is submitted that claim 15 is patentable as it depends from claim 14.

In view of the above amendments and remarks, the Applicants respectfully submit that all rejections of record have been overcome. The Applicants respectfully request favorable reconsideration and allowance of the present application.

Respectfully submitted,



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